

Remarks

In response to the Office Action dated June 7, 2011, Applicant submits the following remarks. Claims 54 and 56-73 remain pending in the present application. Claims 63 and 68 have been amended. No new matter was added. Reexamination and reconsideration of claims 54 and 56-73 is respectfully requested in view of the remarks that follow.

Claim Rejections - 35 U.S.C. § 102

In section 3, claims 54, 56-59, 62-64 and 68-70 were rejected under 35 U.S.C. 102(e) as being anticipated by Bohannon (US 6,847,856).

Claim 54 requires, among other things, the steps of (1) providing a rule set including rules that indicate probable relative resource positions, (2) specifying that a first resource communicates with a second resource, (3) determining if relative juxtapositions of the first and second resources are consistent with the rule set and (4) performing a secondary function when the relative juxtapositions of the first and second resources are inconsistent with the rule set. Step (2) defines two resources that communicate with each other. In step (3), it is the position of these two resources (that communicate with each other) that are compared with the rule set. As indicated in a prior response, steps (1) and (3) above, when taken together, require that the rule set specify a probable relative juxtaposition of the first and second resources (i.e., if the rules did not specify probable relative positions of the first and second resources, then the first and second resource positions could never be consistent with the rule set).

Turning to the cited reference, Bohannon fails to teach or suggest any of the above steps.

Starting with step (2), the step calls for specifying that a first resource communicates with a second resource. The Office Action cites Bohannon's col. 5, lines 32-46 as teaching the step of specifying that a first resource communicates with a second resource. Applicant has carefully reviewed Bohannon in its entirety, as suggested in the Office Action, and respectfully disagrees with the Office Action's

assertion that Bohannon teaches the step of specifying that a first resource communicates with a second resource. Unfortunately, the Office Action merely provides columns and lines as indications where asserted teachings are found without providing any suggested correlation between the elements in Bohannon to the elements in the claims. Notably, lines 32-46 fail to describe any form of communication, and generally only describe that the auto parts can contain a number of RFID tags. Lines 46-53 do indicate that RFID sensors are required "in order to accurately determine the locations of the various RFID tags," but the use of RFID tags and RFID sensors does not describe or teach communication, or, more importantly, does not describe or teach a first resource communicating with a second resource.

With this in mind, step (1) calls for providing a rule set including rules that indicate probable relative resource positions. These resources are the resources that communicate with each other. The Office Action cites Bohannon's col. 5, lines 54-65, and col. 6, lines 17-53 as teaching the step of providing a rule set including rules that indicate probable relative resource positions. Applicant has carefully reviewed Bohannon in its entirety and again respectfully disagrees with the Office Action. The cited text in Bohannon describes comparing locations of RFID tags to determine to determine their relative positions. Nowhere does Bohannon teach or describe that the RFID tags communicate with each other. The claim calls for a rule set that is used on devices that communicate with each other (i.e., the first and second resource).

Applicant's position holds true for steps (3) and (4) as well, in that the first and second resources are resources that communicate with each other, and Bohannon's comparison of RFID tag locations is not a rule set that indicates probable relative resource positions for resources that communicate with each other.

For at least the above reasons, claim 54 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

Claim 63 has been amended to include subject matter of claim 54, and now includes providing a rule set including rules that indicate probable relative resource positions for resources that communicate with each other, and as such, defines over Bohannon at least as described above for claim 54.

For at least the above reasons, claim 63 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

Regarding claim 68, again, Applicant has carefully reviewed Bohannon in its entirety, as suggested in the Office Action, and respectfully disagrees with the Office Action's assertion that Bohannon teaches the steps of claim 68. Again, the Office Action merely provides columns and lines as indications where asserted teachings are found without providing any suggested correlation between the elements in Bohannon to the elements in the claim.

The claim first calls for associating a space within the environment with the process. The cited Bohannon text (col. 5, lines 54-65, and col. 6, lines 17-53) fails to describe any form of association, let alone associating a space with a process. Bohannon teaches identifying a location of an RFID tag (or tags) and comparing the location (or locations) to see if they are sufficiently close to each other. Even considering for argument that the location of the RFID tag is "the space," the RFID tag location is not associated with any process.

Next, the claim calls for providing at least a first information device that includes the processor. It would appear that the Office Action was equating either RFID sensors or RFID tags (as described in the cited Bohannon text col. 5, lines 46-53) to a first information device that includes the processor. If this is true, then Bohannon fails to teach the step of using the processor to automatically perform the steps of (i) identifying the resources to be positioned within the sub-space; (ii) identifying the tags associated with the resources; and (iii) indicating the tags associated with the resources. The Office Action again cites col. 5, lines 54-65, and col. 6, lines 17-53 as teaching using the

processor to automatically perform the steps of..., yet the cited Bohannon text fails to teach using either an RFID tag or an RFID sensor 1) that has a processor, and 2) if either had a processor, using the processor to perform any of the steps as claimed.

For at least the above reasons, claim 68 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

In section 4, claims 54, 56-59, 62-64 and 68 were rejected under 35 U.S.C. 102(e) as being anticipated by Lemelson et al., (US Pub. 2003/0208302).

As defined in the preamble of claim 54, the claim is directed to, among other things, a method for validating likely correct resource communications. The resources are to be arranged to perform a process. Lemelson, on the other hand, describes systems and methods that use known location detection techniques (GPS, CDMA) to locate work pieces and robots so the robot can work on the work piece. Claim 54 calls for the step of providing a rule set including rules that indicate probable relative resource positions. Again, unfortunately, the Office Action merely provides paragraphs as indications where asserted teachings are found without providing any suggested correlation between the elements in Lemelson to the elements in the claims.

Paragraphs 19, 23, and 27 were cited. Paragraphs 19 and 27 describe a method where a marker is placed on an object, the location of the object is determined (via the marker) and stored in a processor, a marker is placed on a robot, the location of the robot is determined (via the second marker), and then the location of the object relative to the robot can be determined. The location of the robot relative to the object can also be adjusted. Paragraph 23 discloses use of position indicators to send position information. None of the cited paragraphs, nor the remainder of Lemelson, describe any form of a rule set including rules that indicate relative resource positions.

Claim 54 also calls for specifying that a first resource communicate with a second resource. These are the resources that the rules are applied to. Paragraphs 19-20 and 27 were cited. Although paragraph 23 does state that CDMA or other communication

techniques may be used to handle communication between multiple positioning indicators, the positioning indicators are not resources that are arranged to perform a process. In addition, paragraph 65 describes this "communication" where the position indicators broadcast their three dimensional position to the controller. What rules are applied to the controller? None, so it can't be considered a resource. The cited text in Lemelson fails to teach specifying that a first resource communicate with a second resource, where the resources have rules applied to them indicating probable relative resource positions.

For at least the above reasons, claim 54 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

As identified above, claim 63 has been amended to include providing a rule set including rules that indicate probable relative resource positions for resources that communicate with each other, and as such, defines over Lemelson at least as described above for claim 54.

For at least the above reasons, claim 63 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

Regarding claim 68, and as discussed above, the claim first calls for associating a space within the environment with the process. The cited Lemelson paragraphs 19-20 and 27 also fails to describe any form of association, let alone associating a space with a process. Lemelson teaches placing an object on something and comparing the objects location to another objects location to see if they are sufficiently close to each other. Even considering for argument that the location of one or both of the objects is "the space," the objects location is not associated with any process.

Next, the claim calls for providing at least a first information device that includes the processor. The Office Action cites paragraph 23, which identifies "a controller governing a manufacturing process." The claim goes on to call for the step of using the

processor to automatically perform the steps of (i) identifying the resources to be positioned within the sub-space; (ii) identifying the tags associated with the resources; and (iii) indicating the tags associated with the resources. The Office Action now cites paragraphs 19-20 and 27. Applicant respectfully questions how does any of the cited Lemelson disclosure teach use a processor that identifies a resource to be positioned within a sub-space? And, how does any of the cited Lemelson disclosure teach identifying or indicating tags associated with the resources? Is the Office Action considering a position indicator to be a resource? If so, nowhere does Lemelson describe using the controller to identify position indicators to be positioned anywhere.

For at least the above reasons, claim 68 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

In section 6, claims 61 and 65-67 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al., (US Pub. 2003/0208302), and further in view of Baker (WO 10/82032).

Regarding claim 65, the claim calls for providing a rule set including rules that indicate probable relative resource positions. The Office Action cites paragraphs 19-20 and 27. As described above in reference to claim 54, paragraphs 19 and 27 describe a method where a marker is placed on an object, the location of the object is determined (via the marker) and stored in a processor, a marker is placed on a robot, the location of the robot is determined (via the second marker), and then the location of the object relative to the robot can be determined. The location of the robot relative to the object can also be adjusted. Paragraph 23 discloses use of position indicators to send position information. None of the cited paragraphs, nor the remainder of Lemelson, describe any form of a rule set including rules that indicate relative resource positions.

Similar to claim 54, claim 65 also calls for specifying that the first resource communicates with the second resource. These are the resources that the rules are applied to. Paragraphs 19-20 and 27 were cited. Although paragraph 23 does state

that CDMA or other communication techniques may be used to handle communication between multiple positioning indicators, the positioning indicators are not resources that are arranged to perform a process. In addition, paragraph 65 describes this "communication" where the position indicators broadcast their three dimensional position to the controller. What rules are applied to the controller? None, so it can't be considered a resource. The cited text in Lemelson fails to teach specifying that a first resource communicate with a second resource, where the resources have rules applied to them indicating probable relative resource positions.

For at least the above reasons, claim 65 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

For at least these reasons, Applicant requests that the Examiner withdraw the current rejections of claims 54, 63, 65 and 68 and claims that depend there from. In the event that any of the rejections are maintained, Applicant requests that the Examiner more clearly indicate what elements the references disclose that relate to the elements in the claims.

The purpose of the amendment to claim 68 is not to narrow the scope of the claim element for the purpose of obtaining an issued patent, and the Applicant specifically and affirmatively alleges that they have not done so, but rather to clarify a technical error of grammar. Accordingly, the Applicant expressly put the Examiner and the public on notice that this claim and all elements thereto have the same scope and equivalents as the claim had prior to said amendment.

Applicant believes the amended set of claims recites patentable subject matter and allowance of the same is requested. No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 17-0055 in the amount of the fee.

David W. Farchmin
Serial No.: 10/800,285
Amendment
Page 14

Respectfully submitted,

DAVID W. FARCHMIN

Date: September 6, 2011

/Thomas J. Krumenacher/
By: Thomas J. Krumenacher
Reg. No. 56,736
Attorney for Applicant
QUARLES & BRADY, LLP
411 East Wisconsin Avenue
Milwaukee, WI. 53202-4497
(414) 277-5199